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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,034	12/15/2003	S. Curtis Nye	15499.377.3	4762

22913 7590 12/21/2004

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EXAMINER
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CHAMBERS, MICHAEL S

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/737,034	NYE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mike Chambers	3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Coats et al (5893809). Coats discloses

a backboard (30) including a top, a bottom and a front surface;

an elongated support that is sized and configured to position the backboard above a surface a backboard support assembly connecting the backboard to the elongated support (22); and a goal support assembly including a rim and a support member (30), the support member being attached to the backboard support assembly at least substantially behind a plane that is generally aligned with the front surface of the backboard (fig 3).

As to claims 2 and 4 : Coats discloses a resistance mechanism (fig 7, item 27,36).

As to claim 3 : Coats discloses a resistance mechanism connected to a rear portion disposed behind a plane (fig 3).

As to claim 5 : Coats discloses a resistance mechanism behind a plane aligned with the front surface of the backboard (fig 7).

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As to claims 7 and 18 : Coats discloses a portable basketball system (fig 1).

As to claim 8 and 19 : Coats discloses a device that is adjustable (fig 1).

As to claims 9 and 12 : See claim 1 rejection (3:55-59).

As to claims 10 and 11 : Coats discloses a resistance mechanism disposed behind a plane that is generally aligned with the front surface of the backboard (fig 1).

As to claim 13 : Coats discloses a goal support that is attached to the backboard support behind the front surface of the backboard (fig 1).

As to claim 14 : Coats discloses a resistance mechanism disposed behind a plane that is generally aligned with the front surface of the backboard and a rear portion of the elongated member (fig 1).

As to claim 15 : Coats discloses a resistance mechanism connected to the backboard support assembly (fig 7, item 27).

As to claim 16 : Coats discloses a resistance mechanism connected to the support assembly (fig 3).

As to claim 20 : Coats discloses a support structure that interconnects the support and backboard support assembly (fig 1 and 3).

Also,

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Schroeder (4895365). Schroeder discloses

a backboard ( 18) including a top, a bottom and a front surface;

an elongated support that is sized and configured to position the backboard above a surface a backboard support assembly connecting the backboard to the

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elongated support (fig 5) ; and a goal support assembly including a rim and a support member (10,12), the support member being attached to the backboard support assembly at least substantially behind a plane that is generally aligned with the front surface of the backboard (fig 3).

Also,

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Nimwegen et al (5947847). Van Nimwegen discloses

a backboard ( 68) including a top, a bottom and a front surface;

an elongated support that is sized and configured to position the backboard above a surface a backboard support assembly connecting the backboard to the elongated support (60) ; and a goal support assembly including a rim and a support member (fig 1 item 80), the support member being attached to the backboard support assembly at least substantially behind a plane that is generally aligned with the front surface of the backboard (fig 1).

As to claims 2 and 4 : Van Nimwegen discloses a resistance mechanism (fig 4b).

As to claim 3 : Van Nimwegen discloses a resistance mechanism connected to a rear portion disposed behind a plane (fig 4b).

As to claim 5 : Van Nimwegen discloses a resistance mechanism behind a plane aligned with the front surface of the backboard (4b).

As to claims 6 and 17 : Van Nimwegen discloses two arms (fig 2, item 60).

As to claims 7 and 18 : Van Nimwegen discloses a portable basketball system (fig 1).

As to claim 8 and 19 : Van Nimwegen discloses a device that is adjustable (fig 1).

As to claims 9 and 12 : See claim 1 rejection (12:36-41).

As to claims 10 and 11 : Van Nimwegen discloses a resistance mechanism disposed behind a plane that is generally aligned with the front surface of the backboard (fig 5).

As to claim 13 : Van Nimwegen discloses a goal support that is attached to the backboard support behind the front surface of the backboard (fig 5, item 58).

As to claim 14 : Van Nimwegen discloses a resistance mechanism disposed behind a plane that is generally aligned with the front surface of the backboard and a rear portion of the elongated member (fig 4b, 5).

As to claim 15 : Van Nimwegen discloses a resistance mechanism connected to the backboard support assembly (fig 4b).

As to claim 16 : Van Nimwegen discloses a resistance mechanism connected to the support assembly (fig 4b).

As to claim 20 : Van Nimwegen discloses a support structure that interconnects the support and backboard support assembly (fig 1 and 4b).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Chambers whose telephone number is (571) 272-4407. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

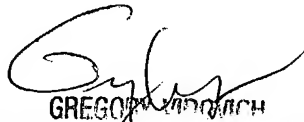
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5947847\*5893809\*4895365

Michael Chambers  
Examiner  
Art Unit 3711

December 15, 2004

  
GREGORY V. VONDRA  
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